

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL CLOUD

v.

THE BERT BELL/PETE ROZELLE NFL
PLAYER RETIREMENT PLAN

§
§
§
§
§
§

CIVIL ACTION NO. 3:20-CV-1277-S

ORDER

This Order addresses Plaintiff's Motion to Supplement the Administrative Record [ECF No. 24], and the request to conduct discovery contained therein. Having reviewed and considered the Motion, Defendant's Response [ECF No. 28], Plaintiff's Reply [ECF No. 32], and the documents filed in support thereof, the Court **GRANTS IN PART** and **DENIES IN PART** the Motion.

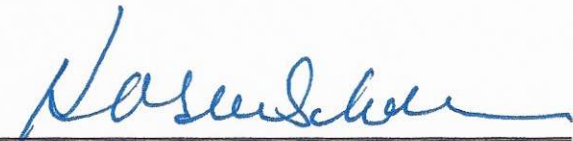
The Motion is granted to the extent that it requests discovery regarding the completeness of the Administrative Record and whether Defendant complied with ERISA's procedural regulations. *See Crosby v. Louisiana Health Serv. & Indem. Co.*, 647 F.3d 258, 263 (5th Cir. 2011) (discovery on the completeness of the administrative record and whether the plan administrator complied with ERISA's procedural regulations is permitted in an ERISA action under 29 U.S.C. § 1132(a)(1)(B)). Specifically, Plaintiff may conduct discovery on the following subjects: (1) requests and communications between Plaintiff and Defendant requesting medical documentation; (2) any medical records in the possession of Defendant that have not been provided to Plaintiff; and (3) such other information that is relevant to the completeness of the Administrative Record in this case and/or whether Defendant complied with ERISA's procedural regulations.

As to the request to supplement the Administrative Record, at this time the Court denies the Motion without prejudice to its refileing upon completion of discovery.

All other relief not expressly granted herein is denied.

SO ORDERED.

SIGNED July 22, 2021.



KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE